

**HOMESTRETCH LOT 2, AP
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT AND
ONE VARIANCE REQUEST**

AMMENDED STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER:

Randy Fifrick *RJ*

REVIEWED/

APPROVED BY:

Tristan Riddell *TR*

PUBLIC HEARING:

BCC Public Hearing:

9:00 a.m. March 26, 2009

Deadline for BCC Action (60 working days):

March 26, 2009

SUBDIVIDER:

Peggy Steffes

680 Homestretch Drive

Stevensville, MT 59870

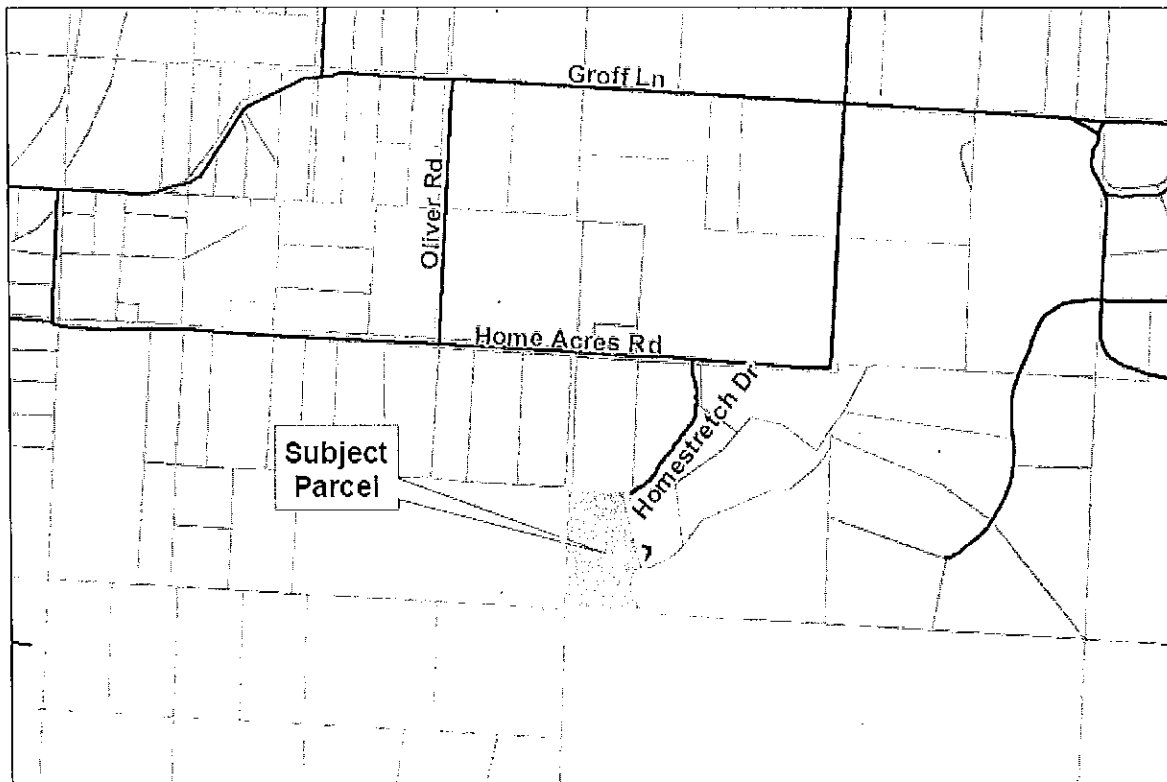
REPRESENTATIVE:

Applebury Survey

914 U.S. Highway 93

Victor, MT 59875

LOCATION OF REQUEST: The property is located southeast of Stevensville on Homestretch Drive. (See Map 1)



Map 1: Location Map

(Source Data: Ravalli County GIS Department)

Homestretch Lot 2, AP Subdivision Staff Report

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Issued: March 12, 2009

**LEGAL DESCRIPTION
OF PROPERTY:**

AP Lot 2, Homestretch Subdivision; SW 1/4 of Section 25, T8N,
R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient on November 17, 2008. Agencies were notified of the subdivision in letters dated February 8, 2008 and December 12, 2008. Comments received from agencies are Exhibits A-1 through A-12 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified of the subdivision in a letter dated December 12, 2008. Public comments are included as Exhibits B-1 through B-9.

**DEVELOPMENT
PATTERN:**

Subject property:	Residence and Bed & Breakfast
North:	Vacant Rural Land
South:	Vacant Rural Land
East:	Residence
West:	Vacant Rural Land

INTRODUCTION

The subdivision proposal is for three lots and one additional barn/guest house structure on 21.63 acres. Access to this property is via Home Acres Road and Homestretch Drive. The subdivider has requested one variance for this subdivision, which is from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations (RCSR), for maximum cul-de-sac length. The subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet.

Staff recommends approval of the variance request and conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 26, 2009

HOMESTRETCH LOT 2, AP
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT AND
ONE VARIANCE REQUEST

RECOMMENDED MOTION

1. That the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations to allow for the cul-de-sac length to exceed 1400-feet be **approved**, based on the findings of fact and conclusions of law in the staff report.
2. That the Homestretch Lot 2, AP Subsequent Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Access Requirements for Lots within this Subdivision. The Ravalli County Fire Council, which includes the Stevensville Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire Department for further information. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

No Build/Alteration Zone. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. *(Section 3-2-8(b)(v), RCSR, Impacts on Public Health and Safety)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*

Maintenance of Fencing along BRID Canal. The owner(s) of Lot 2B shall be responsible for maintaining the safety fencing located along the eastern subdivision boundary with the BRID Canal. The lot owner shall be responsible for maintaining the fence on their lot to meet the specifications of the Ravalli County Subdivision Regulations. *(Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities and Public Health & Safety)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*
4. Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a \$500 per newly created lot contribution has been submitted to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Stevensville Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

6. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
7. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
8. The subdivider shall provide evidence that mailboxes or Collection Box Unit(s) (CBU) have been installed in accordance with the Stevensville Post Office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
9. The no-build/alteration zone on slopes greater than 25% shall be shown on the final plat as proposed on the preliminary plat. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)
10. The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Homestretch Drive and Home Acres Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
11. The subdivider in consultation with the BCC shall reach a decision on the minimum road width (paved surface and shoulder width) of the internal road, Homestretch Drive. The decision shall consider the recommendation of the RCFC and the discussion presented by Planning Staff. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
12. The existing irrigation pipeline in the southwestern portion of the property that was not shown on the preliminary plat shall be shown on the final plat within a 10-foot irrigation easement. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)
13. All existing and proposed irrigation easement shall be shown on the final plat. All easements shall be centered on the applicable ditch or pipeline. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)
14. A stop sign shall be installed at the intersection of Home Acres Road and Homestretch Drive prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)
15. Prior to final plat approval, the subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in 3-1-5(a)(xxv) of the RCSR. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)

16. Prior to final plat approval, the subdivider shall provide an updated road maintenance agreement that conforms with the requirements listed in 3-1-5(a)(xxxviii), specifically updating the following:
- (a) Description of the parcels subject to the agreement
 - (b) The section of the road subject to the agreement (the entire stretch of Homestretch Drive within Homestretch Minor Subdivision).
 - (c) Road Maintenance shall also include on-street parking enforcement provisions, in accordance with on-street parking provided for in the road design, because failure to enforce on-street parking may result in the inability of emergency services providers to provide service to lots along this road.
 - (d) Specifically how the costs of road maintenance will be assessed to the parties to the agreement (do not refer to the previous road maintenance agreement).

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - A. Project name
 - B. Title block
 - C. Certificate of registered owner – notarized
 - D. Certificate of registered land surveyor with seal
 - E. Certificate of governing body approval
 - F. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - G. Certificate of public dedication
 - H. Other certifications as appropriate
 - I. North arrow
 - J. Graphic scale
 - K. Legal description
 - L. Property boundaries (bearings, lengths, curve data)
 - M. Pertinent section corners and subdivision corners
 - N. Names of adjoining subdivisions/certificates of survey
 - O. Monuments found
 - P. Witness monuments
 - Q. Acreage of subject parcel
 - R. Curve data (radius, arc length, notation of non-tangent curves)
 - S. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - T. Lots and blocks designated by number (dimensions/acreage)
 - U. Easements/rights of ways (location, width, purpose, ownership)
 - V. No-build/alteration zones
 - W. No-ingress/egress zones
 - X. Water resources (rivers, ponds, etc.)
 - Y. Irrigation canals including diversion point(s), etc.
 - Z. Existing and new roads (names, ownership, etc.)

3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
13. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
14. Road certification(s) shall be submitted with the final plat submittal.
15. Utility availability certification(s) shall be submitted with the final plat submittal.
16. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
17. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
18. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
19. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
20. A copy of the letter sent to the appropriate school district(s) stating the subdivider has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
21. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
22. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - Specific infrastructure improvements potential required for this subdivision are the installation of a stop sign, installation of irrigation infrastructure, installation of mailboxes or a CBU and concrete slab, construction of the internal subdivision road, any needed repairs to the BRID ditch fencing, and construction of the bus shelter and turnout.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Homestretch Drive, which is within a 60-foot private road and utility easement. (Homestretch Lot 2, AP Preliminary Plat)
2. *The subdivider shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 15)*
3. *Existing utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from Eastside Highway, Groff Lane, Home Acres Road, and Homestretch Drive. (Homestretch Lot 2, AP Subdivision File)
2. Eastside Highway is a state operated roadway. (MDT)
3. Groff Lane is listed as a county-maintained road. (RCSR – Exhibit A)
4. Home Acres Road is listed as a county-maintained road. (RCSR – Exhibit A)
5. Homestretch Drive will provide legal and physical access to all lots within the subdivision via an existing 60-foot wide private road and utility easement. (Homestretch Lot 2, AP Preliminary Plat)
6. An existing Road Maintenance Agreement (RMA) outlines what parties are responsible for maintaining Homestretch Drive and under what conditions. The existing RMA states that in the event that parcel 2 is subdivided again, the maintenance costs will be split equally between the new lots. (Homestretch Lot 2, AP Subdivision File)

Conclusion of Law

Legal and physical access will be provided to all lots within the subdivision.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Findings of Fact

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. (RCSR 3-4-4(a)(xxvi))
2. Specific infrastructure improvements potential required for this subdivision are the installation of a stop sign, installation of irrigation infrastructure, installation of mailboxes or a CBU and concrete slab, construction of the internal subdivision road, any needed repairs to the BRID ditch fencing, and construction of the bus shelter and turnout. (Final Plat Requirements 1 and 22)

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (a) Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) Reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 7.2 acres. (Homestretch Lot 2, AP Subdivision File)
3. The property is located within and has water shares provided by the Bitter Root Irrigation District (BRID). (Homestretch Lot 2, AP Subdivision File)
4. The subdivider is proposing to reallocate the water shares between the newly created lots. (Homestretch Lot 2, AP Subdivision File)
5. In a letter dated January 17, 2007, John Crowley, Manager of BRID stated that the BRID Board of Commissioners approved the reallocation of water shares. (Exhibit A-1)

Conclusion of Law

With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) the subdivider is required to establish ditch easements in the subdivision that:
 - (a) Are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) Are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) Prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There are two existing irrigation ditches traversing the property, one on proposed Lot 2C and the other on proposed Lot 2B. The subdivider is proposing 10-foot wide irrigation easements along both existing irrigation ditches. (Homestretch Lot 2, AP Preliminary Plat)

3. There is an irrigation pipeline that traverses the property in a northwesterly direction within an existing 10-foot wide irrigation easement from the BRID Canal. (Homestretch Lot 2, AP Preliminary Plat)
4. There is an irrigation pipeline that traverses the property in a northerly direction within an existing 20-foot wide irrigation easement from the BRID Canal. (Homestretch Lot 2, AP Preliminary Plat)
5. The subdivider is proposing to install two new pipelines within 10-foot wide proposed irrigation easements to provide irrigation water to Lot 2C and Lot 2B. (Homestretch Lot 2, AP Preliminary Plat)
6. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
7. The existing notifications document filed for this property states that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner. (Homestretch Lot 2, AP Subdivision Application)
8. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following conditions shall be met:*
 - (a) *The proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - (b) *The existing irrigation pipeline in the southwestern portion of the property that was not shown on the preliminary plat shall be shown on the final plat within a 10-foot irrigation easement. (Condition 12)*
 - (c) *All existing and proposed irrigation easement shall be shown on the final plat. All easements shall be centered on the applicable ditch or pipeline. (Condition 13)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are larger than five acres. (Homestretch Lot 2, AP Subdivision File)
2. Lots larger than five-acres in size are exempt from parkland dedication. (RCSR 6-1-5(b))

Conclusion of Law

This proposal is exempt from parkland dedication requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. With the approval of the requested variance from Section 5-4-4(h) Table B-1, the subdivision design as indicated on the preliminary plat would meet the design standards in Chapter 5 of the RCSR. (Homestretch Lot 2, AP Preliminary Plat)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Homestretch Lot 2, AP Subdivision File)

Conclusions of Law

1. With approval of the variance request, the preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Ravalli County Clerk & Recorder's (C&R) Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Homestretch Lot 2, AP Subdivision File)

Conclusion of Law

There are no zoning regulations that apply to the property.

C. Existing covenants and/or deed restrictions.

Finding of Fact

1. There are existing covenants on the property recorded as Document # 549972 with the Ravalli County C&R. (Homestretch Lot 2, AP Subdivision Application)
2. The covenants were filed with the previous subdivision of this property and recorded on March 3, 2005. These covenants do not prevent any further division of the property. (Ravalli County C&R Document # 549972)

Conclusion of Law

The proposal appears to comply with existing covenants.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - (a) Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - (b) Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - (c) Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - (d) Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - (e) Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The subdivider was made aware of the applicable regulations at the pre-application conference held on September 7, 2005 and a subsequent pre-application conference held May 22, 2007. (Homestretch Lot 2, AP Subdivision File)
3. Prior to final plat approval, the subdivider is required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed subsequent minor subdivision on 21.63 acres will result in 3 lots/4 units that range in size from 5.07 acres to 10.00 acres. (Homestretch Lot 2, AP Subdivision File)
2. The subject parcel is classified for tax purposes as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. Parcels adjacent to the subject property are classified for tax purposes as agricultural rural, vacant land rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. According to the Web Soil Survey for Ravalli County, approximately 100% of the soils located on the property are categorized as "not prime farmland". (Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed and Canada thistle were found on the property. (Homestretch Lot 2, AP Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. A noxious weed control provision was included in the protective covenants previously filed for this property. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
8. A notification of proximity to agricultural operations is already included in a notifications document filed with this property. The protective covenants, also filed with the property, include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972, Ravalli County C&R Document # 549976)
9. *To mitigate the impacts of this subdivision on agriculture, the approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*

Conclusion of Law:

With the mitigating requirement of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (a) Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and

the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

- (c) Reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 7.2 acres. (Homestretch Lot 2, AP Subdivision File)
3. The property is located within and has water shares provided by BRID. (Homestretch Lot 2, AP Subdivision File)
4. The subdivider is proposing to reallocate the water shares between the newly created lots. (Homestretch Lot 2, AP Subdivision File)
5. In a letter dated January 17, 2007, John Crowley, Manager of BRID stated that the BRID Board of Commissioners approved the reallocation of irrigation water. (Exhibit A-1)
6. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) the subdivider is required to establish ditch easements in the subdivision that:
 - (a) Are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) Are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) Prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
9. There are two existing irrigation ditches traversing the property, one on proposed Lot 2C and the other on proposed Lot 2B. The subdivider is proposing 10-foot wide irrigation easements along both existing irrigation ditches. (Homestretch Lot 2, AP Preliminary Plat)
10. There is an irrigation pipeline that traverses the property in a northwesterly direction within an existing 10-foot wide irrigation easement from the BRID Canal. (Homestretch Lot 2, AP Preliminary Plat)
11. There is an irrigation pipeline that traverses the property in a northerly direction within an existing 20-foot wide irrigation easement from the BRID Canal. (Homestretch Lot 2, AP Preliminary Plat)
12. A buried irrigation pipeline was discovered in the southwestern part of the property on proposed Lot 2A during a Planning Department site visit on March 10, 2009. This irrigation pipeline was not shown on the preliminary plat. (Site Visit 3/10/09)
13. The subdivider is proposing to install two new pipelines within 10-foot proposed irrigation easements to provide irrigation water to Lot 2C and Lot 2B.
14. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA). (Homestretch Lot 2, AP Preliminary Plat)
15. A master irrigation plan is required when an irrigation water right will be conveyed with one or more lots within the subdivision. (RCSR 3-1-5(a)(xxxv))
16. When water rights are being transferred to one or more of the lots within a subdivision, an irrigation delivery system must be designed and installed (RCSR 5-6-3)
17. The BRID Canal forms a portion of the eastern boundary of the property. (Homestretch Lot 2, AP Preliminary Plat)
18. As a requirement of final plat approval the subdivider is required to construct a safety fence along the BRID Canal. (RCSR 5-6-2)
19. There is an existing safety fence along the BRID Canal. A portion of fence appears to be in need of repair. (Site Visit 3/10/09)
20. The existing notifications document filed for this property states that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner. (Homestretch Lot 2, AP Subdivision Application)

21. To mitigate the impacts of this subdivision on Agricultural Water User Facilities, the following conditions shall be met prior to final plat approval:
- (a) The existing irrigation pipeline in the southwestern portion of the property that was not shown on the preliminary plat shall be shown on the final plat within a 10-foot irrigation easement. (Condition 12)
 - (b) All existing and proposed irrigation easement shall be shown on the final plat. All easements shall be centered on the applicable ditch or pipeline. (Condition 13)
 - (c) The subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in 3-1-5(a)(xxxv) of the RCSR. (Condition 14)
 - (d) The subdivider shall make any needed repairs to the safety fence along the eastern property boundary for the length of the BRID Canal. (Final Plat Requirement 22)
 - (e) The subdivider shall install an irrigation system that delivers the correct allotment of irrigation water to each lot. (Final Plat Requirement 22)
 - (f) A provision shall be included in the covenants requiring the maintenance of the safety fence along the BRID Canal. (Condition 2)

Conclusion of Law:

With the requirements and mitigating conditions of approval, impacts on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Stevensville Rural Fire District. (Homestretch Lot 2, AP Subdivision File)
2. Notification letters were sent to the Stevensville Rural Fire District requesting comments on February 8, 2008 and December 2, 2008. (Homestretch Lot 2, AP Subdivision File)
3. In a letter dated March 27, 2008, Bill Perrin, Chief of the Stevensville Rural Fire Department (SRFD) states the SRFD cannot insure adequate fire protection for this subdivision. The SRFD had requested denial of the road grade variance unless the new homes install sprinkler systems. The SRFD did not have any objection to the cul-de-sac variance. (Exhibit A-2)
4. After the internal road had been redesigned to bring the maximum road grade to 10%, Mr. Perrin provided a follow-up letter dated February 19, 2009, in which he states that with the road grade being brought down to 10% and the addition of a hammerhead turnout the SRFD does not have any objection to the approval of the variance. (Exhibit A-3)
5. In the preliminary plat decision for the Homestretch Minor Subdivision an email from the SRFD states that future development of the site would require upgrading the internal road to a full 24-foot wide travel surface with a maximum grade of 6%. (Homestretch PPD, Homestretch Lot 2 File)
6. The Ravalli County Fire Council (RCFC), which includes the Stevensville Rural Fire Department, has adopted Fire Protection Standards (outlined in a document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code building standards. (Exhibit A-4)
7. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald J. Ehli, on behalf of the RCFC requested that all interior roadways for new development be constructed with a paved travel surface of 20 feet and a minimum 1-foot gravel shoulder, for a total width of 22 feet. (Exhibit A-5)
8. Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations (RCSR) sets out specific road design standards. The table calls for all local roads serving less than 400 trips per day to have a minimum paved travel surface of 18 feet and a minimum gravel shoulder of 2 feet.

9. To construct a roadway in accordance with the recommended design of the RCFC, a variance would be required from Table B-1 of the RCSR because the minimum design for shoulders would not be met. (Staff Determination)
10. Because Table B-1 sets out minimum design standards, the subdivider could construct the roadway with a 20-foot wide paved travel surface and 2-foot gravel shoulders. The resulting design would result in a total width of 24 feet and would not require a variance from the RCSR. (Staff Determination)
11. The covenants previously filed with the property require that addresses are posted as soon as construction begins. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
12. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - (a) *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 3)*
 - (b) *Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500-per-new-lot contribution has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 4)*
 - (c) *The following statement shall be shown on the final plat: "The Stevensville Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". (Condition 5)*
 - (d) *The subdivider in consultation with the BCC shall reach a decision on the minimum road width (paved surface and shoulder width) of the internal road. (Condition 11)*

School District

13. The proposed subdivision is located within the Stevensville School District. (Homestretch Lot 2, AP Subdivision File)
14. It is estimated that 1.5 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household. (Census 2000)
15. Notification letters were sent to the Stevensville School District requesting comments on February 8, 2008 and December 2, 2008. (Homestretch Lot 2, AP Subdivision File)
16. In a letter received February 19, 2008, Mr. Kent Kultgen, Superintendent for the Stevensville School District stated the following: (Exhibit A-6)
 - (a) The District bus policy stipulates buses can only travel on state and county roads.
 - (b) Each subdivision must provide a safe pick-up/drop off zone for school bus children.
 - (c) The District has not conducted an impact fee study, but they believe it would be safe to say the cost would be approximately \$7,500 per single family dwelling.
17. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be \$6,619 and the tax levy per pupil excluding capital costs would be \$2,558.50 for the Stevensville School District (averaging the Elementary and High School). (Exhibit A-7)
18. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-8)

19. *To mitigate impacts on the School District:*

- (a) *The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*
- (b) *The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Homestretch Drive and Home Acres Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 10)*

Public Safety

- 20. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Homestretch Lot 2, AP Subdivision File)
- 21. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 8, 2008 and December 2, 2008, but no comments have been received from the Sheriff's Office. (Homestretch Lot 2, AP Subdivision File)
- 22. This proposed subdivision is located approximately 18.2 miles from the Sheriff's dispatch in Hamilton. (Homestretch Lot 2, AP Subdivision Application)
- 23. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 7.5 people to the County. (Census 2000)
- 24. Taxes from new residents may not be immediately available to law enforcement services, E-911, Office of Emergency Management (OEM) and Disaster & Emergency Services (DES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
- 25. *The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 6)*

Roads

- 26. There are three (3) proposed lots/ four (4) proposed units within this subdivision. It is estimated at build-out that this subdivision could generate a total of 33.8 vehicular trips per day, assuming 8 trips per day per single family residence and 9.8 trips per day for the proposed Bed & Breakfast. (Homestretch Lot 2, AP Subdivision File)
- 27. The subject property gains legal and physical access from Eastside Highway, Groff Lane, Home Acres Road, and Homestretch Drive. (Homestretch Lot 2, AP Subdivision File)
- 28. Eastside Highway is a state operated roadway. (MDT)
- 29. Groff Lane is listed as a county-maintained road. (RCSR – Exhibit A)
- 30. Home Acres Road is listed as a county-maintained road. (RCSR – Exhibit A)
- 31. Homestretch Drive will provide legal and physical access to all lots within the subdivision via an existing 60-foot wide private road and utility easement. (Homestretch Lot 2, AP Preliminary Plat)
- 32. The subdivider will be required to pay the pro rata share of the cost to improve Groff Lane and Home Acres Road to meet County standards. The preliminary pro rata estimate, using the projection of 25.8 additional trips per day, projects that the subdivider will be required to contribute approximately \$65,320.85 in pro rata funds. (RCSR and Homestretch Lot 2 Subdivision Application/File)
- 33. The subdivider will be required to construct Homestretch Drive to full County standard, except for maximum cul-de-sac length if the variance is approved. (RCSR 5-4-5(e))
- 34. An existing RMA outlines what parties are responsible for maintaining Homestretch Drive and under what conditions. The existing RMA states that in the event that parcel 2 is subdivided

again, the maintenance costs will be split equally between the new lots. (Homestretch Lot 2, AP Subdivision Application)

35. The original set of road plans received preliminary approval from the Ravalli County Road and Bridge Department on November 3, 2007. (Homestretch Lot 2, AP Subdivision File)
36. Revised road plans, with a maximum road grade of 10%, received preliminary approval from the Ravalli County Road and Bridge Department on March 7, 2009. (Exhibit A-9)
37. A RSID/SID waiver was filed with the final plat of Homestretch Minor Subdivision. (Homestretch Lot 2, AP Subdivision Application)
38. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - (a) *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - (b) *Final Road Plans and Grading and Storm Water Drainage Plans for the internal road shall be submitted with the final plat submittal. (Final Plat Requirement 13)*
 - (c) *The subdivider shall submit a final approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 12)*
 - (d) *The subdivider in consultation with the BCC shall reach a decision on the minimum road width (paved surface and shoulder width) of the internal road. (Condition 11)*
 - (e) *Prior to final plat approval, the subdivider shall provide an updated road maintenance agreement that conforms with the requirements listed in 3-1-5(a)(xxxviii). (Condition 16)*

Ambulance Services

39. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. (Homestretch Lot 2, AP Subdivision Application)
40. Marcus Daly Hospital was contacted on February 8, 2008 and December 2, 2008, but no comments have been received to date. (Homestretch Lot 2, AP Subdivision File)
41. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 3)*

Water and Wastewater Districts

42. Individual wells and wastewater treatment systems are proposed to serve the lots. (Homestretch Lot 2, AP Subdivision Application)
43. The property is not near any municipal water or wastewater systems. (Homestretch Lot 2, AP Subdivision Application)
44. *To mitigate impacts of the subdivision relating to water and wastewater, the subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Solid Waste Services

45. Bitterroot Disposal provides service to this site. (Homestretch Lot 2, AP Subdivision File)
46. Notification letters were sent to Bitterroot Disposal requesting comments on February 8, 2008 and December 2, 2008, but no comments have been received to date. (Homestretch Lot 2, AP Subdivision File)

Mail Delivery Services

47. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-10).
48. *To mitigate impacts on local services, the subdivider shall provide evidence that mailboxes or a CBU has been installed in accordance with the Stevensville Post Office's standards, and that*

the installation has been approved by the Stevensville Post Office prior to final plat approval. (Condition 8)

Utilities

49. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Homestretch Lot 2, AP Subdivision File)
50. Notification letters were sent to the utility companies requesting comments on February 8, 2008 and December 2, 2008. No comments have been received from either utility company. (Homestretch Lot 2, AP Subdivision File)
51. Existing utilities are located along Homestretch Drive. (Homestretch Lot 2, AP Preliminary Plat)
52. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - (a) *Existing utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - (b) *The subdivider shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 15)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. There are no natural surface water features within 100 feet of the property. (Homestretch Lot 2, AP Subdivision Application)
2. The BRID Canal forms a portion of the eastern boundary of the property. (Homestretch Lot 2, AP Preliminary Plat)

Light Pollution

3. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)
4. The existing covenants include a provision requiring full cut-off lighting on new construction. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)

Air Quality

5. This proposed subdivision would add 2 new homes to an area of existing low density development southeast of Stevensville. (Homestretch Lot 2, AP Preliminary Plat) (Site Visit)
6. The Montana Department of Environmental Quality (DEQ) has reviewed the PM_{2.5} (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM_{2.5} dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-11)
7. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)
8. The existing covenants for this property require that the primary heat source for any newly constructed residences be at least 75% efficient. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
9. *To mitigate impacts on air quality, the notifications document shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 1)*

Vegetation

10. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed and Canada thistle were found on the property. (Homestretch Lot 2, AP Subdivision Application)
11. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
12. A noxious weed control provision was included in the protective covenants previously filed for this property. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
13. According to the Montana Natural Heritage Program no plant species of special concern were identified within the same section as the proposal. (Homestretch Lot 2, AP Subdivision File)
14. *To mitigate impacts on natural environment, the approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be filed with the final plat. (Final Plat Requirement 11)*

Historical/Archeological Sites

15. There are no known sites of historical significance on the property. (Homestretch Lot 2, AP Subdivision File)
16. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is not located in mapped elk winter range. (Ravalli County GIS Data provided by Montana FWP)
2. Notification letters were sent Montana Fish, Wildlife, & Parks (FWP) requesting comments on February 8, 2008 and December 2, 2008 and follow-up phone calls were made after that, but no comments were received on this subsequent subdivision. (Homestretch Lot 2, AP Subdivision File)
3. Montana FWP did provide comments on the Homestretch minor subdivision on June 27, 2003. (Homestretch Lot 2, AP Subdivision File, Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
4. John Vore, FWP biologist for the Bitterroot Valley at the time, visited the area of Homestretch minor subdivision on June 24, 2003. The subsequent letter from FWP dated June 27, 2003 noted the following: (Exhibit A-13)
 - a. The properties topography and cover are favored habitats used by mule and white-tailed deer and occasionally elk.
 - b. People, and their dogs, can negatively affect wildlife habitat over an area much greater than the development itself.
 - c. Although there are some houses in this area already, additional development would further compromise the area for wildlife.

- d. Although some habitat loss will occur from construction of homes and roads, deer will probably continue to use this area following development because they are quite adaptable to living in close proximity to people.
5. The existing covenants for this property contain a Wildlife and Wildlife Habitat provision which includes Montana Fish, Wildlife, and Parks protective covenants for living with wildlife. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549972)
6. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, bear, mountain lions, wolves, skunks, and raccoons on this property. (Ravalli County C&R Document # 549972)
7. According to the Montana Natural Heritage Program the Gray Wolf, Bobolink, and Townsend's Big-Eared Bat were identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the Bobolink and Townsend's Big-Eared Bat based on a lack of habitat on the property. (Homestretch Lot 2, AP Subdivision File)
8. The subdivider submitted a sensitive species report for the gray wolf that that was prepared by Theresa Blazicevich, of Log Cabin Environmental Consulting. (Homestretch Lot 2, AP Subdivision Application)
9. An onsite survey of the parcel performed by Mrs. Blazicevich on October 26, 2008 did not find any sign of wolf activity on the property. Mrs. Blazicevich further states that since the proposed parcels would be 5 to 10 acres in size and the roads already exist, the impact to transitional wolves should be negligible. (Homestretch Lot 2, AP Subdivision Application)

Conclusion of Law:

There should be minimal impacts on Wildlife & Wildlife Habitat with the approval of this subdivision.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access to the subdivision is proposed off of Homestretch Drive. (Homestretch Lot 2, AP Subdivision File)
2. *To help mitigate the effects of the subdivision on traffic safety, a stop sign shall be installed at the intersection of Home Acres Road and Homestretch Drive prior to final plat approval. (Condition 14)*
3. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

4. The proposed subdivision will be served by the Stevensville Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Ravalli County Office of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Homestretch Lot 2, AP Subdivision File)
5. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

6. Individual wells and wastewater treatment systems are proposed to serve the lots. (Homestretch Lot 2, AP Subdivision Application)
7. The property is not near any municipal water or wastewater systems. (Homestretch Lot 2, AP Subdivision Application)

8. *To mitigate impacts of the subdivision relating to water and wastewater, the subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

9. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
10. The preliminary plat and soils map indicate there are soil types on the property that are considered severe for construction of roads and/or buildings. (Homestretch Lot 2, AP Subdivision File)
11. A notification of severe soils is already included in a notifications document filed with this property. (Homestretch Lot 2, AP Subdivision Application, Ravalli County C&R Document # 549976)
12. The preliminary plat shows that several lots have steep slopes (greater than 25%), which are required to be identified as a no build/alteration zone on the final plat. (Homestretch Lot 2, Preliminary Plat)
13. The northern portion of the subject property is currently restricted by a "No Build Zone" which was placed on the plat of the Homestretch Subdivision to protect areas with steep slopes. The subdivider is proposing to lift the "No Build Zone" with the approval of this subdivision. The approximate slope of the area is 18% as calculated by the consultant. (Homestretch Lot 2, AP Preliminary Plat)
14. The BRID Canal forms a portion of the eastern boundary of the property. (Homestretch Lot 2, AP Preliminary Plat)
15. *To mitigate impacts on public health and safety, the following conditions and requirements shall be met prior to final plat approval:*
 - (a) *The notifications document shall include a statement regarding radon exposure. (Condition 1)*
 - (b) *Prior to final plat approval, the subdivider shall make any needed repairs to the safety fence along the eastern property boundary for the length of the BRID Canal. (Final Plat Requirement 22)*
 - (c) *A provision shall be included in the covenants requiring the maintenance of the safety fence along the BRID Canal. (Condition 2)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. All lots will be accessed off of an internal road. (Bitterroot Views II Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Corvallis Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Bitterroot Views II Subdivision Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The subdivider is proposing individual wells and wastewater treatment systems. The subdivider submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Bitterroot Views II Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
7. *The subdivider is required to submit a final DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

8. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
9. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
10. According to the Web Soil Survey for Ravalli County, there are soils rated as "very limited" for building. (Bitterroot Views II Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
11. A natural drainage/intermittent stream, Cow Creek, traverses the eastern portion of the property. (Ravalli County GIS, Bitterroot Views II Preliminary Plat)
12. *To mitigate the impacts of this subdivision on public health and safety, the Notifications Document shall include notifications regarding full cut-off lighting, radon exposure, and the location of "very limited" soils. (Condition 1)*

Conclusion of Law:

With the mitigating conditions and requirements of final plat approval impacts on public health & safety will be reduced.

VARIANCE REPORT

VARIANCE REQUEST

The subdivider has requested a variance from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations for maximum cul-de-sac length. The subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed cul-de-sac length is approximately 2,400 feet.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. Section 5-4-1(5) of the RCSR states that "road standards should be designed to promote public health, safety and welfare." Varying from the adopted road standards has a direct impact on public health and safety. (RCSR Section 5-4-1(5))
2. Section 5-4-1(9) of the RCSR states that "cul-de-sacs represent a viable means of providing access to properties provided the length does not become too long." (RCSR Section 5-4-1(9))
3. The RCSR require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet. (Homestretch Lot 2 Application)
4. In a letter dated March 27, 2008, Bill Perrin, Chief of the Stevensville Rural Fire Department (SRFD) stated that the SRFD has no objection to the variance for cul-de-sac length. (Exhibit A-1)
5. In an email dated December 18, 2008, David Ohnstad stated that for the requested variance for cul-de-sac length, they would not oppose the request provided there is some identified justification. (Exhibit A-12)
6. *The subdivider in consultation with the BCC shall reach a decision on the minimum road width (paved surface and shoulder width) of the internal road (Condition 11)*

Conclusion of Law:

The granting of this variance will not be substantially detrimental to the public health, safety, and general welfare.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The application states that the conditions are unique to this property as the roadway is an existing gravel surface and all that is proposed is to have it paved and widened. (Homestretch Lot 2 Application)
2. There are many other properties in Ravalli County that are accessed via long gravel cul-de-sac roads. The RCSR require all lots serving three to five units within the subdivision to be hard surfaced. (Staff Determination and RCSR Section 5-4-5(b)(2))

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. When the road was originally constructed by the lands current or previous owner(s) it could have been built as a loop road that would connect back to Home Acres Road further to the west and avoid the need for a variance from this requirement. (Staff Determination)
2. The lands current owner created the physical conditions with the previous subdivision that created Homestretch minor subdivision. (Staff Determination)

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

3. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
4. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
5. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

Conclusion of Law:

Neither zoning regulations nor the Growth Policy apply to the variance request.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The application states that the variance will not cause any increase in public costs. (Homestretch Lot 2 Application)
2. Subdivision residents are responsible for maintenance of Homestretch Drive through an existing Road Maintenance Agreement. (Homestretch Lot 2, AP Subdivision Application)
3. The costs associated with improving the road are private costs to be borne by the developer. (RCSR 5-1-6)

Conclusion of Law:

Granting the variance should not cause a substantial increase in public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is proposed are not unique to the property.
2. The conclusion for Criterion C is that physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

Conclusion of Law:

Strict compliance with these regulations will not result in undue hardship.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that by granting this variance there will not be a substantially detrimental effect to the public health, safety, and general welfare.
2. The conclusions for Criterion D are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion E is that the granting of the variance should not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application provides evidence that there is not an undue hardship and that compliance with the RCSR is not essential to the public welfare.

Bitter Root Irrigation District

1000 1st St. S. • Great Falls, Montana 59403 • (406) 961-1182

JANUARY 17, 2007

PEGGY STEFFES
680 HOME STRETCH DR.
STEVENSVILLE, MT. 59870

PEGGY,

YOUR REQUEST FOR APPROVAL OF WATER ALLOCATION IN YOUR PROPOSED SUBDIVISION WAS DISCUSSED AT THE REGULAR BOARD MEETING OF THE BITTER ROOT IRRIGATION DISTRICT ON JANUARY 16, 2007. THE BOARD OF COMMISSIONERS APPROVED THE FOLLOWING ALLOCATION:

LOT 2A TO BE ALLOCATED 5.6 IRRIGATED ACRES
LOT 2B TO BE ALLOCATED 1.5 IRRIGATED ACRES
LOT 2C TO BE ALLOCATED 2.0 IRRIGATED ACRES

THESE LOTS WERE ORIGINALLY FROM LOT 2 OF THE HOMESTRETCH SUBDIVISION. THIS APPROVAL IS CONTINGENT UPON SIZING ALL TURNOUTS AND INSTALLING MEASURING DEVICES THAT DELIVER ONLY THE CORRECT ALLOTMENT OF IRRIGATION WATER.

IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE FEEL FREE TO CALL OUR OFFICE AT 961-1182. THANK YOU.

SINCERELY,



JOHN CROWLEY
BRID MANAGER

EXHIBIT A-1

Stevensville Rural Fire District
P.O. Box 667
Stevensville, MT 59870

MAR 28 2008
PC-08-03-298
Ravalli County Planning Dept.

March 27, 2008

Ravalli County Planning Board
Attn: Randy Fifrick
215 South 4th, Suite F
Hamilton, MT 59840

Re: Homestretch, Lot 2, AP

Dear Mr. Fifrick,

Sorry this is late in getting to your office. I have driven the road referred to in the variance request. The Stevensville Rural Fire District cannot insure adequate fire protection to the 4 lots in the sub-division. We would request that any new homes built in this sub-division be required to be sprinklered. We are therefore requesting denial of the road grade variance unless the new homes are sprinklered. We do not object to the cul-de-sac variance.

Sincerely,



Bill Perrin, Chief
Stevensville Rural Fire District

BP:slm

RECEIVED

February 19, 2009

FEB 20 2009
IC-09-02-123
Ravalli County Planning Dept.

Ravalli County Planning Dept.
215 South 4th Street, Suite F
Hamilton, Mt. 59840

Re: Homestretch Lot 2, AP Subdivision,

Dear Randy,

Please consider this letter on behalf of the Stevensville Rural Fire District.

Previously we have asked that sprinklers be included in homes built in this subdivision. We understand you will not accept that requirement. We are being asked to accept a variance for road grade exceeding 10% and a cul-de-sac exceeding the 1,400 requirement. We now understand the road grade will be not be a variance, the road is being constructed to meet the 10% limit. We also understand a hammerhead is being installed to mitigate the distance of the cul-de -sac. Therefore we do not object to the approval as corrected.

We would ask that some type of notice be given to the potential buyers of the property, that fire protection may be impaired due to conditions of the road when either snow, ice or rain are covering the road.

Thank you.

Sincerely,



Bill Perrin, Fire Chief
Stevensville Rural Fire District
P.O. Box 667
Stevensville, MT 59870

EXHIBIT A-3

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXHIBIT A-4

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.



RAVALLI COUNTY FIRE COUNCIL
PO BOX 410267
PINESDALE, MT 59841

September 25, 2008

Ravalli County Planning Dept.
C/O John Lavey, Tristen Riddell
215 South 4th Street, Suite "F"
Hamilton, Montana 59840

Dear John and Tristen,

Please consider this letter as a directive from the Ravalli County Fire Council as to our interpretation of the road standards to be used for all fire districts within Ravalli County.

It is our interpretation that the standard road width will be 20 feet of road surface, with a minimum of 1-foot shoulders, which shall be designed and maintained to support the imposed loads of fire apparatus. The primary reasoning behind our decision is at an incident; on-coming fire trucks can safely pass each other without going on the shoulder of the road. We understand that the current subdivision regulations in Ravalli County only provide for an 18-foot surface, so we are requesting that this letter act as an amendment to such regulation until such time that the subdivision regulations of Ravalli County can be changed to meet the needs of the fire districts of Ravalli County.

Thank you for your timely consideration of this request. Any questions relating to this matter can be directed to myself, as Fire Warden, at 363-1231.

Sincerely,

Ronald J. Ehli
Ravalli County Fire Warden

EXHIBIT A-5

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public Schools
300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

Randy Fiffick
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

RECEIVED
FEB 19 2008
IC-08-02-153
Ravalli County Planning Dept.

February 15, 2008

Dear Mr. Fiffick:

This letter is in reference to your correspondence on the Homestretch subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen
Superintendent
Stevensville Schools

"Home of the Fighting Yellowjackets"

EXHIBIT A-6

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

RECEIVED

OCT 15 2007
IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ernie Jean Edin".

Ernie Jean Edin
County Superintendent

EXHIBIT A-8

Randy Fifrick

From: David Ohnstad
Sent: Saturday, March 07, 2009 10:41 AM
To: Tristan Riddell; Randy Fifrick
Subject: FW: Homestretch Subdivision

Tristan / Randy -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Cindy Kuns [mailto:CKuns@wgmgroup.com]
Sent: Tuesday, March 03, 2009 2:21 PM
To: David Ohnstad
Cc: Randy Fifrick
Subject: Homestretch Subdivision

Our office has completed the preliminary review of the revised plans for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

Cindy Kuns
Project Assistant



P.O. Box 16027 • 3021 Palmer Street
Missoula • Montana • 59808
E-mail: CKuns@wgmgroup.com
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

3/9/2009

EXHIBIT A-9

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 13 2007

Ravalli County Planning Dept.

10-07-06-729



June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-10

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

Randy Fifrick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A-11

From: David Ohnstad
Sent: Thursday, December 18, 2008 8:44 AM
To: Randy Fifrick
Subject: RE: Homestretch Lot 2 Notification
Randy -

The design standard for Maximum Grade for Local Rural Roads @ a 25 mph design speed is 11% in "rolling" terrain (AASHTO Green Book). Any deviation from that guidance would require justification and mitigation through a Design Exception. Relative to the (subdivision regulations) variance request for maximum grade, the Road & Bridge Department would not support a design exceeding the above referenced guidance absent, again, a completed Design Exception proposal.

Regarding the requested variance for cul-de-sac length, we would not oppose the request provided there is some identified justification.

David

*DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA*

From: Randy Fifrick
Sent: Wednesday, December 17, 2008 4:01 PM
To: David Ohnstad
Subject: Homestretch Lot 2 Notification

David,

Below you will find the notification I sent out on Friday that never made it to your office. Any comments you could provide on the variance would be appreciated.

Date: December 12, 2008
To: Interested Agencies
From: Randy Fifrick
Cc: Outgoing Correspondence File, Subdivision File
Enc: Reduced plat & vicinity map

Subject: Agency Comment on Homestretch Lot 2, AP Subdivision

The Planning Department solicited comments from your office regarding the above-mentioned subdivision on February 8, 2008. In that letter, you were informed that we would notify you when the subdivision was deemed sufficient.

This letter is to inform you that the subdivision has been deemed sufficient, and is scheduled for review by the Ravalli County Board of Commissioners (BCC) at **9:00 am on Thursday, January 8, 2008** in the Commissioners' Conference Room on the third floor of the Administrative Center (215 S. 4th Street, Hamilton).

The subdivision proposal is for three lots and one additional barn/guest house structure on 21.63 acres. Access to this property is via Home Acres Road and Homestretch Drive. The applicant has requested one variance for this subdivision, which is from Section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations, for maximum road grades and maximum cul-de-sac length. The subdivision regulations require a maximum road grade of 10%, but the proposed road is approximately 11.5%. The

EXHIBIT A-12

subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet.

Although the Planning Department encourages agencies to submit feedback upon the initial notification, comments will be accepted at any time prior to the public hearing. Comments may also be delivered in person at the BCC public hearing. Please note, however, that only under select circumstances will new information be allowed into the record *after* the public hearing. Please submit any written comments you may have by December 23, 2008 so they can be included in the Staff Report.

Please be advised that the meeting time noted above is for when the hearing begins and that there may be multiple items on the agenda.

Thanks,

Randy Fiferick

Ravalli County Planner I
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfiferick@ravallicounty.mt.gov



Montana Fish & Wildlife & Parks

Region 2 Office, 3201 Spurgin Road, Missoula, MT 59804-3099
Phone 406-542-5500 • Fax 406-542-5529

RECEIVED

JUN 26 2003

June 27, 2003

John Horat
Bitterroot Engineering & Design, Inc.
1180 Eastside Highway
Corvallis, MT 59828

Dear Mr. Horat:

Reference: Homestretch—Proposed minor (2-lot) subdivision, NE of victor

We have reviewed the preliminary plat and provide the following comments. Additionally, FWP wildlife biologist for the Bitterroot Valley John Vore visited the area on June 24th.

We are primarily concerned about the impacts on--and potential conflicts with--mule deer, white-tailed deer, elk, black bear and mountain lion. The area being considered for development is in a wooded hilly area surrounded by open sagebrush and agricultural land. Its topography and cover are favored habitats currently used by mule and white-tailed deer and occasionally elk. For the past several years FWP has dealt with deer depredation on haystacks on private properties in this area. It is also an area where we need to consider use by bears and mountain lions and potential conflicts with these species.

Although there are some houses in the area already, additional development would further compromise the area for wildlife. Elk and deer are particularly sensitive to disturbance during calving and fawning season. People, and particularly their dogs, can negatively affect wildlife habitat over an area much greater than the development itself. In a recent study using remote cameras on public land adjacent to housing developments in northwest Montana, researchers obtained photos of dogs chasing deer miles from developed private land (Sime 1999¹). They documented individual dogs at sites 2.5 miles apart and at sites 1.5 miles apart on the same day.

People choosing to live in important wildlife habitat must accept responsibility for living with wildlife and protecting our wildlife resources. Many wildlife "problems" can be minimized or avoided by not letting them develop in the first place. Should the subdivision be approved and should any future residents have horses, cows, llamas or other livestock, the proper storage of their feed is important in order to prevent or minimize problems with elk, deer and black bears. Hay, straw and grain should be stored in an enclosed shed that prevents access to wildlife.

Black bear attraction to garbage, bird feeders, pet food, compost piles and other attractants is a chronic and growing problem with development in the wildland/urban interface. We encourage the

¹ Literature Cited: Sime, C. A. 1999. Domestic dogs in wildlife habitats. Pages 8.1-8.17 in G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of The Wildlife Society.

1C-03-06-29

implementation of *enforceable* covenants stating that only bear-resistant outdoor garbage cans may be used and pets like dogs and cats be fed only indoors. Bird feeders, including hummingbird feeders, are notorious bear attractors and should not be allowed from April through October when bears are out of hibernation.

Intentional feeding of wildlife is also a chronic and growing problem. Feeding deer, elk and bears is probably the worst, but any food set out for wildlife should not be allowed. Not only is it illegal under Montana law, it precipitates a host of problems for both wildlife and people. People who feed wildlife are thrilled when they have 5 or 6 deer in their yard but when it becomes 35 or 40, as usually happens, it becomes a problem for themselves and their neighbors. We are then faced with a problem where FWP has limited, and sometimes no, management options. For example, hunting to reduce deer numbers may not be possible because of limited public access and increased housing density.

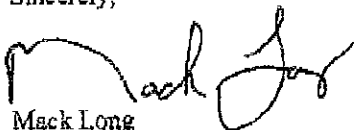
Although some habitat loss will occur from construction of homes and roads, deer will probably continue to use this area following development because they are quite adaptable to living in close proximity to people. There is potential for vegetation damage by deer to lawns, gardens, flowers and ornamental shrubs located on or near home sites. Covenants should state that homeowners must accept responsibility for living with wildlife and be responsible for protecting their vegetation from damage, or they should plant only non-palatable vegetation.

Summarizing our recommendations:

1. We do not know if covenants are proposed for this subdivision, but we have attached a copy of a suggested covenants section that deals with "living with wildlife" issues that regularly arise in rural and semi-rural subdivisions. If the subdivision is approved, we strongly encourage incorporating these or similarly designed covenants into this subdivision. These would help educate and guide lot owners in developing their homes with both human and wildlife safety in mind. (Please contact Sharon Rose at 542-5540 or shrose@state.mt.us if you wish to receive an electronic version of these covenants.)
2. In the "Amendment" section of the covenants, we recommend inserting wording that prohibits amending the covenants relating to wildlife, pets, and garbage handling without the consent of the County Commissioners.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Mack Long
Regional Supervisor

ML:ar

Enclosure: Suggested wildlife covenants

c: Ravalli Co. Land Services, Planning Office, 215 S. 4 #f1, Hamilton, MT 59840

From: Boruch, Dana [dboruch@mt.gov]
Sent: Tuesday, December 16, 2008 3:04 PM
To: Randy Fifrick
Subject: Homestretch Lot 2, AP subsequent minor subdivision and 1-unit s/d lease or rent

Randy -

Thanks for your time on the phone.

I want to note that the "found stone" indicating corner to sections 25, 26, 35 and 36 are common, shared corners appears to be incorrect. Those corners are offset, with the corner common to 35 and 36 being due west of the corners shared by sections 25 and 26.

A minor inaccuracy - but it does relate to the subject property's property lines.

Cheers!

*Dana M. Boruch
Right-of-Way Specialist
DNRC-SWLO
1401 27th Street
Missoula MT 59804
406-542-4286
Fax 542-4285*

EXHIBIT B-1

RE: Homestead Subdivision
Peggy Steffes

RECEIVED 1/25/09
JAN 27 2009
IC-09-01-51
Ravalli County Planning Dept.

Dear Planning Department,

It has come to my attention that a subdivision proposal by Peggy Steffes is under review and so I write you good people in hopes that my letter might encourage approval. Having lived nearby, I've known Peggy for about ten years. When I first met her, she lived in an extraordinarily beautiful stone house that is now owned by my friend Lynn Lind. I quickly learned that Peggy, herself, created and built that stunning building with her own hands. The unique beauty of that home is enhanced further by its surroundings – flower filled gardens, fruit trees, grassy knolls, water falls, sculptures, a gorgeous barn – all of which were born only because of Peggy's artistic vision and unparalleled work ethic. When she bought that land some 20 years ago, it was a hillside of knapweed and rocks. There was little grass for livestock or even deer and although water was available, it needed harnessing and labor intensive sprinkler diligence to use. After some 15 years of toil, this magnificent property was finally finished – as lovely to look at as it is now functional and nutritious for wild as well as domestic animals.

It is well known that this was not Peggy's first creation. The first home she created was on Fred Burr. More like a sculpture than a home, that house is also a stone masterpiece that took years to create on a hillside that was nothing but dirt and rock. Every one who has ever seen it knows how beautiful it and its surroundings now are thanks again to Peggy's vision and tremendous efforts. It is carefully designed to be almost a hidden gem. Similarly, all of Peggy's creations reflect her strict insistence that privacy of all buildings be first and foremost. Placement and design is very carefully thought out in order to preserve the privacy of the view as well as the observer as testament to just how conscientious and site sensitive she is as both an artist and a builder.

Well, the valley is grateful to know she now has almost completed a third tour de force. A stunning stone castle now sits snuggled low enough that although it is big and gorgeous no one can see it unless one drives through the stone archway of her driveway. Like the 2 spectacular creations before, she has replaced knapweed rocky hills with giant gardens, fruit trees and waterfalls. Like the two before, she has left a legacy of timeless beauty with this stone work of genius while livestock and wildlife can benefit from the toil it took to turn nothing into fertile lush grass. Some artists travel a grueling tour of art fairs to support their trade as Peggy used to when she was a potter. Now her art is creating giant sculptures out of stone piles. Her art fair is her land now and she regretfully but desperately needs to sell some in order to continue creating.

As you come to a decision about approving her request for a subdivision, please do not compare Peggy's work to regular builders. I entreat that she not be held to the same standard. Big builders in this valley are, it's safe to say - and I do not mean to insinuate there is anything wrong with this - but they do so to make money. They toss out houses like cards from a deck. On the contrary each one of Peggy's homes are absolutely one of a kind treasures of artwork that someday may be listed as historical monuments to be protected and preserved.

I urge you to approve Peggy's subdivision. If you can come to that positive conclusion, I feel so confident that you will be glad you did. As she has shown with every project, Peggy will continue to create conscientiously and leave a legacy of positive beauty.

Thank you for your time and consideration.

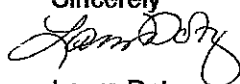
Sincerely

Laura Doty
Corvallis, MT

EXHIBIT B-2

RECEIVED

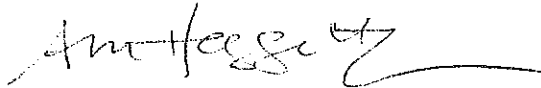
JAN 27 2009

IC-09-01-52
Ravalli County Planning Dept.

To Whom It May Concern:

I am writing to express my support of Home Stretch Subdivision. My husband and I have been tenants of Ms. Peggy Steffes for 9 months. Living here in Home Stretch Subdivision has been a wonderful opportunity for our family. We are continually impressed by Peggy's responsible stewardship of this beautiful land. We have appreciated quality maintenance of infrastructure including easy road access even in winter conditions. I am happy to see conscientious land development in this beautiful and unique valley.

Very Sincerely Yours,

A handwritten signature in dark ink, appearing to read "Dr. and Mrs. Phil Haggerty", with a long, sweeping horizontal line extending to the right.

Dr. and Mrs. Phil Haggerty

EXHIBIT B-3

RECEIVED

JAN 29 2009
IC-09-01-68
Ravalli County Planning Dept.

January 26, 2009

Dear Planning Department,

I am writing you regarding the condition of Home Stretch Drive in the Home Stretch Subdivision. I have driven over this road frequently for the past nine years in all seasons. I have not once had any difficulty getting up or down it - whether in the snow and ice of winter or the muddy spring season. I drive a Toyota Corolla - a front wheel drive passenger car.

Home Stretch Drive is a very good road, of ample width and an easy grade. If you have further questions or would like to speak with me about this, just call. My number is 363.7211.

Sincerely,

Shahar Elan

EXHIBIT B-4

RECEIVED

FEB 19 2009
IC-09-02-116
Havall County Planning Dept.

2/17/09

To Whom it May Concern

My name is Sara Lato. My
Husband, Mark & I, live at
2570 Home Acres Rd., Stevensville.

Mark & I both support the
development of two lots on
Home Acres Subdivision.

Our hope is that all the funds
Reggy Steffes pays on road per
data will go to the improvement
and maintenance of Home
Acres Road and not to the
greater district.

Additionally, we have driven on
Home Acres Drive a number
of times and it is a good,
safe road.

Sincerely,

Sara Lato

EXHIBIT B-5

MARI BOLEN BRONZE STUDIO

226 Peaceful Drive • • • Hamilton, MT 59840

RECEIVED

JAN 30 2009

Ravalli County Commissioners

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RECEIVED

FEB 02 2009

IC-09-02-75
Ravalli County Planning Dept.

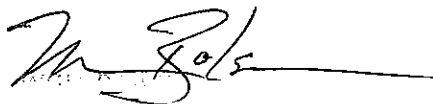
Ravalli County Commissioners
215 So. 4th St., Ste. A
Hamilton, MT 59840

January 29, 2009

Dear Commissioners,

I am writing to address the Peggy Steffes Homestretch subdivision near Stevensville. Peggy has been successful as a respected artist, businessperson and landowner. Her property divisions have been well thought out and carefully planned to enhance, rather than detract from the Bitterroot landscape. She has kept the rural atmosphere in each of her properties. The roads have been well-planned and quite accessible. I've travelled via rear-wheel drive, front-wheel drive and four-wheel drive and never had any problems accessing any of her properties. I hope you will grant her request for this minor subdivision.

Sincerely,



Mari Bolen



Thank you for your time and consideration. I am a Native American artist and I have been successful as a businessperson and landowner. My property divisions have been well thought out and carefully planned to enhance, rather than detract from the Bitterroot landscape. I hope you will grant her request for this minor subdivision.

Phone: 406.961.3887 • Fax: 406.360.3936

Email: mari@bolenbronzes.com

<http://www.bolenbronzes.com>

EXHIBIT B-6

Michele Kapor Landscapes
226 Peaceful Drive · Hamilton, MT 59840
406.961.3887

Michele@kapor-arts.com

RECEIVED

FEB 02 2009

IC-09-02-76
Ravalli County Planning Dept.

RECEIVED

JAN 30 2009

Ravalli County Commissioners

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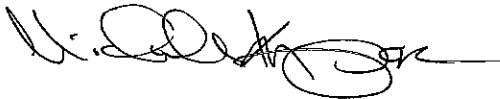
Dear County Commissioners,

I am writing in regard to the Homestretch Subdivision owned by Peggy Steffes. She has requested further division of her property and I believe she should be granted this request.

It has been a privilege to see the careful and artistic manner in which Ms. Steffes both subdivides and builds the properties she has owned. The Homestretch subdivision is perfect property for housing as it has little agricultural use.

I have visited this property in all seasons and have never had an access problem. As a native Montanan, I really appreciate the way Ms. Steffes has enhanced our valley and hope you will grant her request.

Sincerely,



Michele Kapor

1/29/09

EXHIBIT B-7

RECEIVED

FEB 05 2009
IC-09-02-86
Ravalli County Planning Dept.

2-4-09
VICTOR, MT

RAVALLI COUNTY PLANNING BOARD -

THIS LETTER IS IN SUPPORT OF PEGGY STEFESS &
" " "
HER "HOMESTRETCH" SUBDIVISION.

I HAVE KNOW PEGGY FOR OVER 30 YEAR AS
A FRIEND & AS A BUILDER. SHE ALWAYS FINISHES HER
PROJECTS IN A MOST PROFESSIONAL MANNOR.

I HAVE ALSO DRIVEN HOMESTRETCH ROAD
IN ALL KINDS OF WEATHER WITH NO PROBLEM. THIS
PAST MONTH WAS "THE PERFECT STORM" FOR BAD ROAD
CONDITIONS, WORST IVE SEEN IN MY 35 YEARS HERE
IN THE BITTERROOT VALLEY; HOWEVER, HOMESTRETCH ROAD
CLEARED MUCH FASTER THAN OTHERS IN THE AREA.

SINCERELY

MICHAEL HELLING
2628 DEY SMITH
VICTOR
880-2746

EXHIBIT B-8

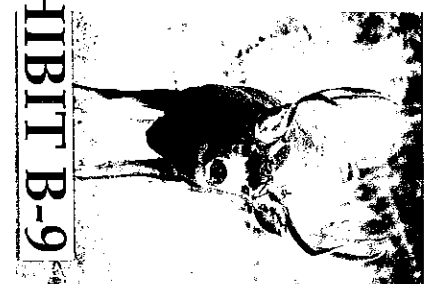
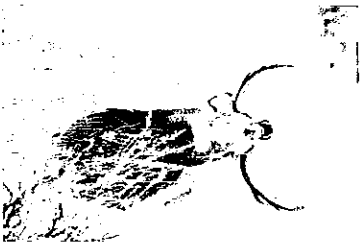
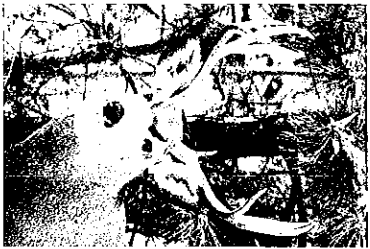
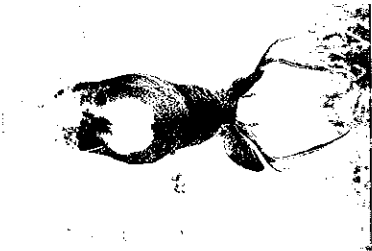
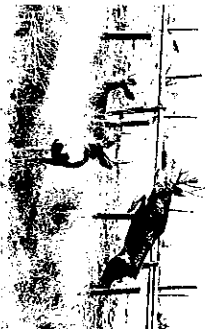


EXHIBIT B-9